

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ICON INTERNATIONAL, INC.,

: Plaintiff,

ORDER

:
-v.-

: 22 Civ. 4304 (MKV) (GWG)

ELEVATION HEALTH LLC,

: Defendant.

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court has considered the plaintiff's application to produce its Rule 30(b)(6) witness on February 26, 2024, and defendant's opposition. See Docket ## 103, 105, 106, 107.

The Court doubts that plaintiff acted with diligence in the identification, preparation and scheduling of the witness. But what overshadows this request is that the purpose of this witness is to provide evidence to defendant in making its application for sanctions, not to benefit the plaintiff. While the Court sympathizes with the defendant's frustration at the scheduling of this deposition, a refusal to extend the deadline would mean only that defendant would be deprived of evidence to which the Court has already ruled it is entitled. The defendant is under no obligation to take this deposition and may still cancel it if it so chooses.

Accordingly, the Court will permit the Rule 30(b)(6) deposition to take place on February 26, 2024 (or such other date as may be convenient for defendant). The briefing on the proposed sanctions motion is extended as follows: defendant shall file its motion for sanctions on or before March 6, 2024. Any response shall be filed by March 13, 2024. Any reply shall be filed by March 20, 2024.

SO ORDERED.

Dated: February 20, 2024
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge